REMARKS

Claims 1-71 remain pending, with claims 1-28 allowed. Applicant respectfully requests reconsideration of this application in light of the following remarks.

I. Regarding the Final Office Action

In the Office Action[1], the Examiner rejected claims 29-71 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,931,943 to Orup ("*Orup*"); rejected claims 29-71 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,995,991 to Huang et al. ("*Huang*"); rejected claims 29-71 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,009,511 to Lynch et al. ("*Lynch*"); rejected claims 29, 31, 59 and 60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11, 12, 14, 17, 18, and 20 in copending Application No. 10/035,586; and rejected claims 29, 31-34, 59, and 60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15, 17-20, 26, and 28 in copending Application No. 10/028,375.

Applicant gratefully acknowledges the allowance of claims 1-28. Applicant respectfully traverses the Examiner's rejections for the following reasons.

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

II. Regarding the rejection of claims 29-71 under 35 U.S.C. § 103(a) as being unpatentable over *Orup*

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 29-71 because a *prima facie* case of obviousness has not been established with respect to these claims.

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck* , 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). M.P.E.P. § 2142, 8th Ed., Rev. 2 (May 2004), p. 2100-128.

A *prima facie* case of obviousness has not been established because, among other things, *Orup* does not teach or suggest each and every element of Applicant's claims.

Claim 29 recites a combination including, for example,

> determining a format of the first floating point operand based upon floating point status information encoded within the first floating point operand;
> determining a format of the second floating point operand based upon floating point status information encoded within the second floating point operand; and
> producing a result indicating which of the first floating point operand and the second floating point operand is larger or smaller than the other, based on the first format and the second format

(emphasis added). *Orup* does not teach or suggest at least these elements.

In response to reasoning presented in Applicant's previous Response of December 16, 2004, the Examiner asserts,

> in the previous office action ... it is stated "[h]owever, Orup does disclose 'FPU core 94 may use the **tag value** ... FPU core 94 can determine which

> type of special floating point number the operand represents with minimal decoding' (col. 16, first complete paragraph)" (page 5, lines 1-5)

(emphasis in original, Office Action at pp. 4-5). The "tag value" taught by *Orup*, however, is not "encoded within the ... floating point operand," as recited by claim 29.

Rather, *Orup* teaches in col. 15, lines 15-22,

> [t]ag field 89 is configured to store a plurality of bits that store a tag value. Each tag value in tag field 89 is associated with a register value in register field 87. In one embodiment, the tag value stored in tag field 89 indicates whether the floating point register value stored in the associated register field 87 is a normal floating point number or a special floating point number

(emphasis added). That is, *Orup* teaches a separate tag field 89 associated with a register field 87. This is further emphasized in col. 15, lines 50-52, where *Orup* recites "[t]he memory operand and the tag value associated with the memory operand are conveyed to FPU core 94 via multiplexor 108" (emphasis added).

Neither this portion of *Orup* nor any other portion constitutes a teaching or suggestion of "determining a format of the ... floating point operand based upon floating point status information encoded within the first floating point operand," (emphasis added) as recited by claim 29.

Because *Orup* does not teach or suggest each and every element recited by claim 29 and required by dependent claims 30-58, no *prima facie* case of obviousness has been established with respect to these claims. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 29-58 under 35 U.S.C. § 103(a) as being unpatentable over *Orup*.

Moreover, in response to reasoning presented in Applicant's previous Response of December 16, 2004, the Examiner asserts "[t]he statement does disclose the

equivalent function(s) of 'missing element'" (Office Action at p. 5). The intended meaning of this statement is not clear. However, regardless of the intended meaning or whether any alleged equivalent is identified herein, Applicant declines to automatically subscribe to any equivalent characterization in the Office Action.

In addition, Applicant notes that *Orup* is the only reference relied upon by the Examiner for this particular rejection. The M.P.E.P. sets forth that

> The distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Whereas, in a rejection based on 35 U.S.C. 103, the reference teachings must somehow be modified in order to meet the claims. The modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made. M.P.E.P. § 706.02(IV).

The M.P.E.P. clearly instructs that, for a proper 35 U.S.C. § 103 rejection, "the reference teachings must somehow be modified in order to meet the claims." Id. Therefore, if the Examiner applies a 35 U.S.C. § 103(a) rejection based on *Orup*, he must articulate how *Orup* must be modified to allegedly teach each and every claim element. The Examiner does not explain how or why *Orup* must be modified, other than to make a generalized allegation that "[i]t would have been obvious to ... design the claimed invention according to Orup's teachings, i.e., including the '**tag value**' in **floating point NaN comparator**, because the proposed device is a **floating point comparator** having 'determine a format' as claimed" (emphasis in original, Office Action mailed September 22, 2004 at p. 5).

Moreover, "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issue can be identified early and the applicant can be given a fair opportunity to reply." M.P.E.P. § 706.02(j). The Examiner's rejections are not properly communicated, as there is no explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification to meet the elements of at least Applicant's independent claims 29 and 59. The M.P.E.P. further instructs that,

> [a]fter indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:
>
> (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,
>
> (B) the difference or differences in the claim over the applied reference(s),
>
> (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and
>
> (D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification

(emphasis added, M.P.E.P. § 706.02(j)). The Examiner has not set forth at least "an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification." Id.

For at least these additional reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 29-58 under 35 U.S.C. § 103(a) as being unpatentable over *Orup*.

Also with respect to dependent claims 30 and 32-58, the Examiner has not addressed the elements recited by these claims or provided any motivation, other than to make general conclusions that "Orup ... could provide" the claim elements, that the

recited elements are "well known," and that the recited elements are "obvious design choice" (Office Action mailed September 22, 2004 at pp. 7-8). As M.P.E.P. § 2144.03(B) makes clear,

> there must be some form of evidence in the record to support an assertion of common knowledge ... general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection. ... The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge. The applicant should be presented with the explicit basis on which the examiner regards the matter as subject to official notice and be allowed to challenge the assertion in the next reply after the Office action in which the common knowledge statement was made

(internal citations omitted). Applicant respectfully submits that the Examiner's general conclusions are not sufficient to support a rejection under 35 U.S.C. § 103(a). Applicant requests that the Examiner provide documentary evidence, supported with sound technical and scientific reasoning, teaching each and every element of Applicant's dependent claims. Because the Examiner has not properly communicated the basis for the rejection, Applicant respectfully requests the Examiner to withdraw the finality of the Office Action mailed May 31, 2005.

For at least these additional reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 30-58 under 35 U.S.C. § 103(a) as being unpatentable over *Orup*.

Independent claim 59, although of different scope, recites elements similar to elements recited by independent claim 29. Claims 60-71 depend from independent claim 59 and therefore include all of the elements recited therein. Accordingly, no *prima facie* case of obviousness has been established with respect to claims 59-71 at least for

the reasons discussed above. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the rejection of claims 59-71 under 35 U.S.C. § 103(a) as being unpatentable over *Orup*.

III. Regarding the rejection of claims 29-71 under 35 U.S.C. § 103(a) as being unpatentable over *Huang*

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 29-71 because a *prima facie* case of obviousness has not been established with respect to these claims. A *prima facie* case of obviousness has not been established because, among other things, *Huang* does not teach or suggest each and every element of Applicant's claims.

As noted above, claim 29 recites a combination including, for example,

> determining a format of the first floating point operand based upon floating point status information encoded within the first floating point operand;
> determining a format of the second floating point operand based upon floating point status information encoded within the second floating point operand; and
> producing a result indicating which of the first floating point operand and the second floating point operand is larger or smaller than the other, based on the first format and the second format

(emphasis added). *Huang* does not teach or suggest at least these elements.

The Examiner agrees that *Huang* fails to teach or suggest each and every element of claim 29, stating "Huang et al. do not specifically detail the claimed 'determining a format of the first/second floating point operand based upon floating point status information encoded within the first / second floating point operand'" (emphasis in original, Office Action mailed September 22, 2004 at p. 6). The Examiner has not

provided any reference teaching or suggesting at least this element, as required by M.P.E.P. § 2142 discussed above, and requested in the previous Response of December 16, 2004 at pages 29 and 30. M.P.E.P. § 2144.03(c) states "[i]f applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained." Applicant respectfully renews the request for documentary evidence teaching each and every element of Applicant's claims.

Because the Examiner has not provided any reference teaching or suggesting at least this element, Applicant respectfully requests that the Examiner withdraw the finality of the Office Action mailed May 31, 2005. Moreover, at least because the Examiner agrees that *Huang* fails to teach or suggest each and every element of claim 29, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 29 under 35 U.S.C. § 103(a) as being unpatentable over *Huang*.

Nevertheless, in response to reasoning presented in Applicant's previous Response of December 16, 2004, the Examiner asserts, "in the previous office action ... it is stated '[h]owever, Huang et al do disclose X and Y operand registers each includes a special operand indicator'" (emphasis added, Office Action at p. 5). This assertion is incorrect. The Examiner has not made clear what teachings in *Huang* show the Examiner's coined term "special operand indicator" or how such alleged teachings relate to, for example, the claimed "determining a format of the first floating point operand based upon floating point status information encoded within the first floating point operand," as recited by claim 29.

The Examiner's coined term "special operand indicator" appears to refer to a tag value of *Huang*. However, *Huang's* teaching of a "tag value" does not constitute a teaching or suggestion of "status information encoded within ... the operand," (emphasis added) as recited by claim 29. *Huang* teaches "each portion of the registers 116 and 118 has an operand value storage portion 116-1 and 118-1 and a tag value storage portion 116-2 and 118-2" (emphasis added, *Huang*, col. 6, line 66 through col. 7, line 2). *Huang* thus teaches a separate operand value storage portion, 116-1, and a separate tag value storage portion for the x_tag 116-2 (*Huang*, col. 6, line 66 through col. 7, line 2, see also Fig. 4).

Huang further emphasizes a separate tag portion and operand portion, teaching "the operands ... stored in the operand portion 116-1 of the registers 116 are inputted ... [i]n addition, the tag values x_tag, y_tag stored in tag portions 116-2 are inputted directly to the arithmetic section as control signals indicating the operand types of the respective operands X and Y " (emphasis added, *Huang,* col. 7, lines 8-14). That is, *Huang* explicitly contradicts the Examiner's conclusion that "operand registers each includes a special operand indicator" (Office Action at p. 5) by stating that the operand is in an operand portion (e.g., without the tag unit), because the tag is in a separate portion used to indicate the operand type. Therefore, *Huang* does not teach or suggest at least "determining a format of the ... floating point operand based upon floating point status information encoded within the ... floating point operand," (emphasis added) as recited by claim 29.

In summary, *Huang* does not teach or suggest at least a circuit for "determining a format of the ... floating point operand based upon floating point status information

encoded within the ... floating point operand," (emphasis added) as recited by claim 29. Therefore, *Huang* fails to teach or suggest each and every element of claim 29.

Because *Huang* does not teach or suggest each and every element recited by claim 29 and required by dependent claims 30-58, no *prima facie* case of obviousness has been established with respect to these claims. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 29-58 under 35 U.S.C. § 103(a) as being unpatentable over *Huang*.

Moreover, in response to reasoning presented in Applicant's previous Response of December 16, 2004, the Examiner asserts "[t]he statement does disclose the equivalent function(s) of 'missing element'" (Office Action at p. 5). The intended meaning of this statement is not clear. However, regardless of the intended meaning or whether any alleged equivalent is identified herein, Applicant declines to automatically subscribe to any equivalent characterization in the Office Action.

In addition, as discussed above, the M.P.E.P. clearly instructs that, for a proper 35 U.S.C. § 103 rejection, "the reference teachings must somehow be modified in order to meet the claims." M.P.E.P. § 706.02(IV). Therefore, if the Examiner applies a 35 U.S.C. § 103(a) rejection based on *Huang*, he must articulate how *Huang* must be modified to allegedly teach each and every claim element. The Examiner does not explain how or why *Huang* must be modified, other than to make a generalized allegation that "[i]t would have been obvious to ...design the claimed invention according to Huang et al's teachings because the device is an **arithmetic calculation circuit (100)** having special operand indicator in each operand register as claimed" (emphasis in original, Office Action mailed September 22, 2004 at p. 6).

Moreover, as discussed above, "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issue can be identified early and the applicant can be given a fair opportunity to reply." M.P.E.P. § 706.02(j). The Examiner's rejections are not properly communicated, as there is no explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification to meet the elements of at least Applicant's independent claims 29 and 59. The Examiner has not set forth at least "an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification." M.P.E.P. § 706.02(j).

Applicant also respectfully requests the Examiner to properly communicate the grounds of rejection for dependent claims 30-58. The Examiner's rejections are not properly communicated, as there is no explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification to meet the elements of these claims.

Also with respect to dependent claims 30 and 32-58, the Examiner has not addressed the elements recited by these claims, other than to make a general conclusions that *Huang* "could provide" the recited elements, that the recited elements are "well known," and that the recited elements are "obvious design choice" (Office Action mailed September 22, 2004 at p. 6-7). As noted above, Applicant respectfully submits that the Examiner's general conclusions are not sufficient to support a rejection under 35 U.S.C. § 103(a). Applicant requests that the Examiner provide documentary evidence, supported with sound technical and scientific reasoning, teaching each and every element of Applicant's dependent claims. Because the Examiner has not properly

communicated the basis for the rejection, Applicant respectfully requests the Examiner to withdraw the finality of the Office Action mailed May 31, 2005.

For at least these additional reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 29-58 under 35 U.S.C. § 103(a) as being unpatentable over *Huang*.

Independent claim 59, although of different scope, recites elements similar to elements recited by independent claim 29. Claims 60-71 depend from independent claims 59 and therefore include all of the elements recited therein. Accordingly, no *prima facie* case of obviousness has been established with respect to claims 59-71 at least for the reasons discussed above. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the rejection of claims 59-71 under 35 U.S.C. § 103(a) as being unpatentable over *Huang*.

IV. Regarding the rejection of claims 29-71 under 35 U.S.C. § 103(a) as being unpatentable over *Lynch*

Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 29-71 because a *prima facie* case of obviousness has not been established with respect to these claims. A *prima facie* case of obviousness has not been established because, among other things, *Lynch* does not teach or suggest each and every element of Applicant's claims.

As noted above, claim 29 recites a combination including, for example,

> determining a format of the first floating point operand <u>based upon floating point status information encoded within the first floating point operand</u>;

> determining a format of the second floating point operand based upon floating point status information encoded within the second floating point operand; and
>
> producing a result indicating which of the first floating point operand and the second floating point operand is larger or smaller than the other, based on the first format and the second format

(emphasis added). *Lynch* does not teach or suggest at least these elements.

The Examiner concedes that *Lynch* does not teach or suggest these elements, stating:

> It is noted that Lynch et al do not specifically detail the claimed: (1) 'providing one of the maximum and the minimum of a first floating point operand and a second floating point operand' and (2) 'determining a **format** ... based upon floating point status information encoded **within** the ... floating point operand'

(emphasis in original, Office Action mailed September 22, 2004 at pp. 7-8). The Examiner has not provided any reference teaching or suggesting these elements, as required by M.P.E.P. § 2142 discussed above, and requested in the previous Response of December 16, 2004 at pages 31 and 32. M.P.E.P. § 2144.03(c) states "[i]f applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained." Applicant respectfully renews the request for documentary evidence teaching each and every element of Applicant's claims.

Because the Examiner has not provided any reference teaching or suggesting at least this element, Applicant respectfully requests that the Examiner withdraw the finality of the Office Action mailed May 31, 2005. Moreover, at least because the Examiner agrees that *Lynch* fails to teach or suggest each and every element of claim

29, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 29 under 35 U.S.C. § 103(a) as being unpatentable over *Lynch*.

Nevertheless, in response to reasoning presented in Applicant's previous Response of December 16, 2004, the Examiner asserts,

> in the previous office action ... it is stated '[f]irst Lynch et al do disclose FPU (94) performs 'floating point operation'. Therefore, it would have been obvious to a person having ordinary skill in the art the FPU (94) is capable of providing 'one of the **maximum** and the **minimum** of a first floating point operand and a second floating point operand' as claimed

(emphasis in original, Office Action at p. 5). This is incorrect.

Even the Examiner's first assertion were true, *Lynch* nevertheless fails to teach or suggest at least "indicating which of the first floating point operand and the second floating point operand is larger or smaller than the other," as recited by claim 29.

Moreover, in response to reasoning presented in Applicant's previous Response of December 16, 2004, the Examiner asserts,

> Second, Lynch et al disclose 'appends a tag value to each floating point number'. Therefore, the combination of the stored floating point number with a tag value is considered the claimed 'floating point status information encoded **within** the ... floating point operand'

(emphasis in original, Office Action at p. 5). This is incorrect.

Lynch contradicts the Examiner's second assertion. The "tag value" taught by *Lynch* is not "status information encoded within the ... floating point operand," as recited by claim 29.

Rather, *Lynch* teaches in col. 15, line 64 through col. 16, line 5,

> [t]ag field 89 is configured to store a plurality of bits that store a tag value. Each tag value in tag field 89 is associated with a register value in register field 87. In one embodiment, the tag value stored in tag field 89 indicates whether the floating point register value stored in the associated register

> field 87 is a normal floating point number or a special floating point number

(emphasis added). That is, *Lynch* teaches a separate tag field 89 associated with a register field 87. *Lynch* teaches "[a] tag value is appended" (col. 5, line 44). Such a teaching does not constitute a teaching or suggestion of "status information encoded within the first floating point operand," (emphasis added) as recited by claim 29.

This is further emphasized in col. 16, lines 62-65, where *Lynch* teaches "FPU core 94 uses the tag value associated with an operand to determine whether the operand is a special floating point number" (emphasis added). Such teachings by *Lynch* do not constitute teachings or suggestions of "determining a format of the ... floating point operand based upon floating point status information encoded within the first floating point operand," (emphasis added) as recited by claim 29. Therefore, *Lynch* fails to teach or suggest each and every element of claim 29.

Because *Lynch* does not teach or suggest each and every element recited by claim 29 and required by dependent claims 30-58, no *prima facie* case of obviousness has been established with respect to this claim. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 29-58 under 35 U.S.C. § 103(a) as being unpatentable over *Lynch*.

Moreover, in response to reasoning presented in Applicant's previous Response of December 16, 2004, the Examiner asserts "[t]he statement does disclose the equivalent function(s) of 'missing element'" (Office Action at p. 5). The intended meaning of this statement is not clear. However, regardless of the intended meaning or

whether any alleged equivalent is identified herein, Applicant declines to automatically subscribe to any equivalent characterization in the Office Action.

In addition, as discussed above, the M.P.E.P. clearly instructs that, for a proper 35 U.S.C. § 103 rejection based on a single reference, "the reference teachings must somehow be modified in order to meet the claims." M.P.E.P. § 706.02(IV). Therefore, if the Examiner applies a 35 U.S.C. § 103(a) rejection based on *Lynch*, he must articulate how *Lynch* must be modified to allegedly teach each and every claim element. The Examiner does not explain how or why *Lynch* must be modified, other than to make a generalized allegation that "[i]t would have been obvious to ... design the claimed invention according to Lynch et al's teachings because the device is a **floating point unit (36)** having the combination of the floating point number with a tag value in each operand register as claimed" (emphasis in original, Office Action mailed September 22, 2004 at p. 8).

As discussed above, "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issue can be identified early and the applicant can be given a fair opportunity to reply." M.P.E.P. § 706.02(j). The Examiner's rejections are not properly communicated, as there is no explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification to meet the elements of at least Applicant's independent claims 29 and 59. The Examiner has not set forth at least "an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification." M.P.E.P. § 706.02(j).

For at least these additional reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 29-58 under 35 U.S.C. § 103(a) as being unpatentable over *Lynch*.

Applicant also respectfully requests the Examiner to properly communicate the grounds of rejection for dependent claims 30-58. The Examiner's rejections are not properly communicated, as there is no explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification to meet the elements of these claims.

Also with respect to dependent claims 30 and 32-58, the Examiner has not addressed the elements recited by these claims, other than to make a general conclusions that *Lynch* "could provide" the recited elements, that the recited elements are "well known," and that the recited elements are "obvious design choice" (Office Action mailed September 22, 2004 at pp. 8-9). As noted above, Applicant respectfully submits that the Examiner's general conclusions are improper, and requests that the Examiner provide documentary evidence, supported with sound technical and scientific reasoning, teaching each and every element of Applicant's dependent claims. Because the Examiner has not properly communicated the basis for the rejection, Applicant respectfully requests the Examiner to withdraw the finality of the Office Action mailed May 31, 2005.

Independent claim 59, although of different scope, recites elements similar to elements recited by independent claim 29. Claims 60-71 depend from independent claim 59 and therefore include all of the elements recited therein. Accordingly, no *prima facie* case of obviousness has been established with respect to claims 59-71 at least for

the reasons discussed above. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the rejection of claims 59-71 under 35 U.S.C. § 103(a) as being unpatentable over *Lynch*.

V. Regarding the nonstatutory double patenting rejection of claims 29, 31, 59, and 60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11, 12, 14, 17, 18, and 20 of copending U.S. Patent Application No. 10/035,586

Applicant respectfully renews the request that the Examiner hold this rejection in abeyance until all other grounds of rejection are withdrawn (p. 27 of Amendment filed December 16, 2004). *See* M.P.E.P. § 804(I)(B).

VI. Regarding the nonstatutory double patenting rejection of claims 29, 31-34, 59, and 60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15, 17-20, 26, and 28 in copending Application No. 10/028,375.

Applicant respectfully renews the request that the Examiner hold this rejection in abeyance until all other grounds of rejection are withdrawn (p. 27 of Amendment filed December 16, 2004). *See* M.P.E.P. § 804(I)(B).

VII. Conclusion

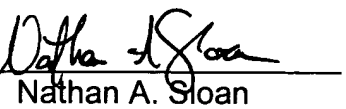
In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 29, 2005

By: 
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